

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-10 are amended to avoid indefiniteness. Claims 11-18 are added to incorporate limitations removed from claims 1-10, and to more fully recite limitations introduced in claims 1-10. No new matter has been added. Applicant notes that the claim amendments are made to avoid formal objections and rejections, and are not made to overcome art. As such, the amendments should not be construed in a limiting manner. Claims 1-18 are pending in the application.

Claims 1 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pangburn (US 5,361,786) in view of McKew (US 6,012,461). Applicant respectfully traverses the rejection.

The claimed invention in accordance with claim 1 comprises a file that is made of a single, integral stratum of glass. No additional components, such as separate abrasive compounds, adhesives, coatings, metals, or stiffening members, are required in the claimed invention. Furthermore, additional pieces of glass, such as a layer of abrasive glass beads, are also unnecessary. The body, the sides and edges, the point, and the at least one abrading surface of the claimed invention are all integral parts of a single piece of glass.

This structure is advantageous, for at least the following reasons. The claimed invention is simple to manufacture, having only a single material component. It is likewise durable, since there are no separate parts to delaminate or otherwise fall off. In addition, being entirely comprised of glass it is generally resistant to degradation by environmental hazards such as water.

Pangburn is relied upon to disclose the general form of a file. However, as acknowledged in the rejection, Pangburn does not disclose a file that is made of a single, integral stratum of



glass. The rejection relies upon McKew to disclose a fingernail sculpting having a body made of glass, citing column 5, lines 16-17, and asserts that it would be obvious to combine the two references.

However, Applicant notes that the cited section refers to a cylinder 48, which as disclosed at column 5, lines 12-15 is meant to simulate a human finger. Applicant respectfully submits that there is no motivation to combine the material of what is essentially a practice dummy disclosed by McKew with the form of a file disclosed by Pangburn.

McKew does not disclose a file made of glass, nor is McKew directed towards a file at all. The disclosure of McKew regarding a file, at column 7, lines 21-27, is peripheral, stating only that a typical file 75 may be used to shape an artificial fingernail 25 that is mounted on the cylinder. McKew does not disclose or suggest a specific structure or any details whatsoever regarding the file, and in particular does not disclose or suggest a file made of a single, integral stratum of glass.

Even if Pangburn and McKew are suitable for combination, which point Applicant does not concede, Applicant respectfully submits that they would not be equivalent to the claimed invention. Pangburn discloses the general form of a file, but does not disclose an integral structure, and indeed specifically discloses multiple layers, as shown in Figures 1 and 2 and described at column 2, lines 15-23. McKew does not remedy this deficiency. McKew discloses at column 5, lines 16-17 that the cylinder may consist of any suitably rigid material, including glass, but does not disclose or even suggest that the cylinder has an integral structure. Applicant notes that many non-integral structures, e.g. a plastic coating over a metal frame, might be equally suitable for the functions ascribed to the cylinder of McKew. Applicant therefore respectfully submits that an integral structure for the cylinder of McKew cannot be assumed without some suggestion in the disclosure. Pangburn in combination with McKew would at best produce a glass file comprised of separate layers of abrasive beads, substrate, etc.



file, and in particular does not disclose or suggest a file made of a single, integral stratum of glass.

As argued above with respect to Pangburn, even if Godbout and McKew are suitable for combination, which point Applicant does not concede, Applicant respectfully submits that they would not be equivalent to the claimed invention. Godbout in combination with McKew would at best produce a file with a glass body and separate layers of abrasive particles, adhesive, etc.

As the claimed invention in accordance with claim 1 comprises structure neither disclosed nor suggested by Godbout or McKew, Applicant respectfully submits that the claimed invention is not obvious from Godbout in view of McKew. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2 and 4-7 depend from claim 1 and incorporate the limitations thereof. Applicant respectfully submits that they need not be argued separately at this time. Applicant does not concede the correctness of the rejection, and reserves the right to present further arguments against it.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pangburn or Godbout in view of McKew, further in view of Tsukamoto (US 3,866,618). Applicant respectfully traverses the rejection.

Applicant respectfully submits that, as claim 3 depends from claim 1 and incorporates the limitations thereof, claim 3 need not be argued separately at this time. Applicant does not concede the correctness of the rejection, and reserves the right to present further arguments against it. Furthermore, Applicant notes that while the rejection relies upon Tsukamoto to disclose a file with a V-shaped end, Tsukamoto does not remedy the deficiencies of Pangburn or Godbout in view of McKew as argued above, in that Tsukamoto does not disclose or suggest a file made of a single, integral stratum of glass.



As the claimed invention in accordance with claim 1 comprises structure neither disclosed nor suggested by Pangburn or McKew, Applicant respectfully submits that the claimed invention is not obvious from Pangburn in view of McKew. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 8-10 depend from claim 1 and incorporate the limitations thereof. Applicant respectfully submits that they need not be argued separately at this time. Applicant does not concede the correctness of the rejection, and reserves the right to present further arguments against it.

Claims 1-2 and 4-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Godbout (CA 2,142,949) in view of McKew. Applicant respectfully traverses the rejection.

As noted above, the claimed invention in accordance with claim 1 comprises a file made of a single, integral stratum of glass.

Godbout is relied upon to disclose the general form of a file. The rejection assert that Godbout discloses a glass surface. However, Applicant respectfully traverses this assertion, and notes that Godbout discloses at page 4, lines 1-4 that the substrate is made of fiberglass, not of glass, and at page 3, lines 28-36 that the top surface 16 is coated with diamond particles 14, not with glass. Regardless of this, as acknowledged in the rejection Godbout does not disclose a file that is made of a single, integral stratum of glass. The rejection relies upon McKew to disclose a fingernail sculpting having a body made of glass, citing column 5, lines 16-17, and asserts that it would be obvious to combine the two references.

As previously noted, McKew discloses a cylinder meant to simulate a human finger. Applicant respectfully submits that there is no motivation to combine the material of what is essentially a practice dummy disclosed by McKew with the form of a file disclosed by Godbout. McKew does not disclose or suggest a specific structure or any details whatsoever regarding the



Applicant acknowledges the need for formal drawings. Applicant will submit formal drawings upon receiving an indication of allowability for the pending claims.


Applicant believes that the claims now pending in this patent application are in condition for allowance. Favorable consideration is respectfully requested. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of-record, John J. Gresens (Reg. No 33,112) at (612) 371-5265.



Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402
612/332-5300

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John J. Gresens
Reg. No. 33,112
JJG/MLL



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